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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,616	02/21/2002	Toru Kamimura	020179	4516

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,616	<b>Applicant(s)</b> KAMIMURA ET AL.	
	<b>Examiner</b> Laura A Grier	<b>Art Unit</b> 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1,5 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 5 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by

Lueck et al., (herein, Lueck) U. S. Patent No. 6721710

Regarding claim 1, Lueck discloses a decoding stored audio data, wherein the platform (100), reads on a recording means; the flash memory (140) which stores encode audio data files and decoding program files; memory (130) reads on a storing means medium – col. 3, lines 47-67 and col. 4, lines 1-3, a system controller (col. 3, lines 56-62) reads on a determining means and validating means; the DSP (110) – col. 3, lines 3-5 reads on a decoding means; and a loudspeaker, or earphones (col. 3, lines 32-34), which reads on an outputting means.

Regarding claim 5, Lueck discloses a decoding stored audio data, wherein the platform (100), reads on a recording means; the flash memory (140) which stores encode audio data files and decoding program files, memory (130) reads on a storing means medium – col. 3, lines 47-67 and col. 4, lines 1-3, a system controller (col. 3, lines 56-62) reads on a loading means, the

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DSP (110) – col. 3, lines 3-5 reads on a decoding means; and a loudspeaker, or earphones (col. 3, lines 32-34), which reads on an outputting means.

Regarding claim 10, Lueck discloses a decoding stored audio data, wherein the platform (100), reads on a recording means; the flash memory (140) which stores encode audio data files and decoding program files, wherein the flash memory is removable to inherently support an attaching means; memory (130) reads on a storing means medium – col. 3, lines 47-67 and col. 4, lines 1-3, a system controller (col. 3, lines 56-62) reads on a loading means, the DSP (110) – col. 3, lines 3-5 reads on a decoding means; and a loudspeaker, or earphones (col. 3, lines 32-34), which reads on an outputting means. Lueck inherently discloses decoding operating based up on a 1st number-of-bit operation and 2<sup>nd</sup> number-of-bit operation as evident by the fact that audio data comprise an audio bit stream respectively – col. 3, line 28.

3. **Claims 1 and 5** are rejected under 35 U.S.C. 102(e) as being anticipated by Fujii et al. (herein, Fujii), U. S. Patent No. 6816491.

Regarding claim 1, Fujii discloses a multiplexed audio data decoding apparatus and receiver and apparatus. Fujii's disclosure comprise a decoder (20) with memory (25) which located within a recording/reproducing apparatus (col. 1, lines 65-col 2, lines 1-4, col. 5, lines 33-41, col. 7, lines 55-64, and col. 10, lines 32-38), wherein the decoder processes various formats of encoded data, which reads on a recording means; an external ROM (60), which reads on a second means for storing a second decoding means; the user interface circuit (40) and a CPU (50), reads on a determining means and a validating means; a decoder (20), which reads on

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a decoding means; and a D/A converter (30) coupled to output to a loudspeaker (130), which reads on an outputting means.

Regarding claim 5, Fujii discloses a multiplexed audio data decoding apparatus and receiver and apparatus. Fujii's disclosure comprise a decoder (20) with memory (25) which located within a recording/reproducing apparatus (col. 1, lines 65-col 2, lines 1-4, col. 5, lines 33-41, col. 7, lines 55-64, and col. 10, lines 32-38), wherein the decoder processes various formats of encoded data, which reads on a recording means; the user interface circuit (40) and a CPU (50) coupled via the data transmission bus (DB), reads on a loading means; a decoder (20), which read a decoding means; and a D/A converter (30) coupled to output to a loudspeaker (130), which reads on an outputting means.

Claim 9 is allowed.

### *Response To Arguments*

4. The applicant essentially argues that the prior art rejections of Huang et al. and Yoshida, in respect to an encoded signal recorded in a memory and decoding program, accordingly, therein. A new reference of prior art, Lueck discloses a recording medium including stored encoded audio data files and decoding programs, a controller system which constitutes determining and validating, a DSP for decoding and a loudspeaker. A new reference of prior art (Fuji) has been applied which indicates a decoder within a recording means which includes encoded audio data, wherein the encoded data is indicated as being stored in the recording apparatus, wherein the encoded data is decoded using various stored decoding processed depended upon the format of the encoded data. The new reference of prior also provides means


of determining the format type and loading the decoding programs to the decoded memory, and output the decoded audio data signal to a speaker or loudspeaker, therein. Thus, Huang et al. has been removed.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A. Grier  
December 20, 2004